

REMARKS

Claims 1-14 are all the claims pending in the application. By this Amendment, Applicant adds claims 15 and 16, which are both clearly supported throughout the specification.

The Examiner withdrew the previous grounds of rejection. The Examiner, however, found new grounds for rejecting the claims. Specifically, claims 1-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,032,208 to Nixon et al. (hereinafter “Nixon”). Applicant respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

A. Legal Standard for Anticipation

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention. MPEP § 2131.

B. Exemplary Features of Claim 1

Independent claim 1 *inter alia* recites: “a user specifying type of at least one process element of the process system and start address of a memory module associated with the process element; and automatically creating the technology module by allocating at least one of a signaling functional element, an archive data functional element and a picture functional element to the process element based on the selected type of the at least one process element.”

In conventional techniques, a user manually creates a technology module such as a user interface for controlling the technical process. In an exemplary, non-limiting embodiment,

however, the technology module is created more efficiently and without human errors. That is, in an exemplary embodiment, a technology module for representing and controlling the technical process is automatically configured or created. The user simply selects a type of a process element (*e.g.*, a motor) and a start address of a memory module for this technology module, the rest is automatically configured including selecting one of a signaling functional element, archive data functional element, and picture functional element that best fits the technical process. In other words, if the type of the technology module to create is ‘motor,’ then the user interface for monitoring input and output signals may be automatically created.

It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

B. Nixon Reference

Nixon discloses a process controller that implements smart field device standards and other bus-based architecture standards so that communications and control among devices are performed so that the standard control operations are transparent to a user. The process controller allows attachment to a theoretically and substantially unlimited number and type of field devices including smart devices and conventional non-smart devices. Control and communication operations of the various numbers and types of devices are performed simultaneously and in parallel (*see Abstract and col. col. 4, lines 13 to 55*).

C. Applicant’s Position

Applicant respectfully submits that Nixon does not disclose or suggest automatically creating a technology module by having the user specify both the type of the process element and

the address of the memory module and where various functional elements are allocated to create this module based on the selected type of the process element.

The Examiner contends that the selection of the type of the process element and start address is disclosed in col. 28, lines 32 to 39 of Nixon (*see page 3 of the Office Action*). Col. 28, lines 32 to 39 of Nixon recite:

Referring to FIG. 16, a block diagram illustrates an organization of information for an instrument signal tag (IST). An system IST table 1510 contains information relating to an IST including path information and pointers to a system object. A first pointer 1512 designates a signal type which points to an attribute signal table 1520. A second pointer 1514 designates an entry in the attribute signal table 1520.

Clearly, the above-noted passage of Nixon does not disclose or even remotely suggest a user specifying a type of the process element and the address of the memory module. On the contrary, the above-noted passage of Nixon only discloses having a table that stores a variety of information including pointers that designate a signal type and entry in the attribute signal table.

Nixon further only discloses reading the values from the table. In Nixon, a user, for example an engineer, may request a detailed view of the block in which all attribute values are displayed. The detailed display includes one or more sets of display groups, also called view definitions, associated with the PIO block 1410. A proxy is previously established for the PIO Block 1410. A user requests detail for the output attribute (AOUT) 1412. Attribute names and values for the AOUT block are presented by an application program requesting a proxy client routine to access a view, an AOUT proxy client setting a return view definition and creating an attribute proxy object, and the application program requesting the AOUT proxy client to read out values for attributes named with granted privileges. The application program formats and displays the data. Display group parameters are part of an I/O block definition and are,

therefore, not configurable. Display groups are defined for attributes (Fig. 15; col. 25, line 66 to col. 26, line 22).

As is clearly visible from the above-described passage, in Nixon, a detailed view of a block may be requested. Nixon does not disclose or suggest a user specifying both type of element and start address of the memory module associated with the element. In other words, in Nixon, neither, the type of the block (alleged element) nor the start address of the memory module are specified. In Nixon, the user selects a block and not a type of the block. Furthermore, Nixon does not disclose selecting an address of a memory module associated with the controller.

In addition, the Examiner alleges that col. 7, lines 47 to 62, col. 3, lines 31 to 37, and col. 9, lines 41 to 46 of Nixon allegedly disclose automatically creating the technology module by allocating at least one of a signaling functional element, an archive data functional element and a picture functional element to the process element based on the selected type of the at least one process element, as set forth in claim 1 (*see* page 3 of the Office Action).

With respect to the creating the technical module set forth in claim 1, Nixon only discloses that the user may request a detailed view of the block. Nixon does not disclose or even remotely suggest automatically creating a module based on the request for a detailed view of the block. In fact, the passage of Nixon cited for the alleged selection of the type of the process element is unrelated to the passage cited for any alleged creations of the module.

Furthermore, in col. 7, lines 47 to 62, Nixon recites:

Connected to personal computer 2 by the ethernet 3 is local controller 4. Local controller 4 includes a central processing unit connected to a random access memory which provides control signals to configure the central processing unit to implement appropriate operational functions. A

read only memory is connected to the random access memory. The read only memory is programmed to include control routines which can configure the central processing unit to implement all of the functional routines of a standard control protocol such as FieldBus. Personal computer 2 sends signals through ethernet 3 to the local controller 4 which causes one, more or all of the programmer routines in the read only memory to be transferred to the random access memory to configure the CPU to implement one, more or all of the standard control protocol routines such as the FieldBus routines (emphasis added).

As is clearly visible from this passage, the read memory does not create a technology module.

Nixon only discloses that the read memory stores routines that can implement functional routines. However, Nixon does not disclose or suggest creating these functional routines. Furthermore, Nixon does not disclose or even remotely suggest that these routines are created by allocating at least one of the noted functional elements based on the type of the selected process element.

Similarly, col. 9, lines 41 to 46 of Nixon does not disclose or suggest the above-quoted unique features of claim 1. Col. 9, lines 41 to 46 recite:

A control template is defined as the grouping of attribute functions that are used to control a process and the methodology used for a particular process control function, the control attributes, variables, inputs, and outputs for the particular function and the graphical views of the function as needed such as an engineer view and an operator view.

As is clearly visible from this passage, Nixon only discloses defining a control template that includes a number of attributes. Nixon does not disclose or even remotely suggest allocating the attributes to the element based on the selected type and automatically creating a control template.

In fact, Nixon discloses a template generator similar to the conventional techniques described in the above-identified application. Specifically, in Nixon, the template generator 124

includes an attributes and methods language generator 126 and a graphics generator 128. The attributes and methods language generator 126 supplies display screens that allow the user to define a plurality of attribute functions associated with the creation of a new control template function or modification of a particular existing control template function, such as inputs, outputs, and other attributes, as well as providing display screens for enabling the user to select methods or programs that perform the new or modified function for the particular control template. In Nixon, the graphics generator 128 furnishes a user capability to design graphical views to be associated with particular control templates. A user utilizes the data stored by the attributes and methods language generator 126 and the graphics generator 128 to completely define the attributes, methods, and graphical views for a control template. The data representing the created control template function is generally stored in the control template library 123 and is subsequently available for selection and usage by an engineer for the design of process control solutions (Fig. 1C; col. 9, line 58 to col. 10, line 11).

In other words, Nixon discloses a user manually creating user interface for various control templates. That is, in creating a control template, the user manually selects various attributes. Nixon does not disclose or suggest automatically creating the control template by assigning needed functional elements based on the specified type.

The Examiner also relies on col. 3, lines 31 to 37 of Nixon as allegedly disclosing the above-quoted unique features of claim 1. However, this passage addresses conventional techniques known to Nixon and the problem with graphical views for process control programming. However, combining background disclosure with Nixon's actual embodiment is clearly improper in an anticipation rejection. In fact, even under 35 U.S.C. § 103(a), different

embodiments may not be combined absent a specific teaching to do so. See *In re Kramer*, 18 USPQ2d 1415, 1416 (Fed. Cir. 1991); *Ex parte Beuther*, 71 USPQ2d 1313, 1316 (BPAI 2003).

In short, Applicant respectfully submits that Nixon does not disclose or suggest automatically creating a technology module by having the user specify both the type of the process element and the address of the memory module and where various functional elements are allocated to create this module based on the selected type of the process element.

D. Concluding Remarks with Respect to Claim 1

Therefore, “a user specifying type of at least one process element of the process system and start address of a memory module associated with the process element; and automatically creating the technology module by allocating at least one of a signaling functional element, an archive data functional element and a picture functional element to the process element based on the selected type of the at least one process element, wherein the automatically created technology module comprises a user interface for controlling or monitoring the technical process system,” as set forth in claim 1 is not disclosed by Nixon.

“[The] reference must clearly and unequivocally disclose the claimed compound or direct those skilled in the art to the compound without *any* need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.” *In re Arkley*, 455 F2d 586, 587 (CCPA 1972).

In summary, the deficiencies of the Nixon reference fall to the Examiner’s burden to show inherent inclusion of the claim elements. Therefore, for all the above-exemplary reasons, independent claim 1 is patentable. Claims 2-14 are patentable at least by virtue of their dependency on claim 1.

E. New Claims

In order to provide more varied protection, Applicant adds claims 15 and 16 which are patentable by virtue of their dependency and for additional features set forth therein.

F. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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